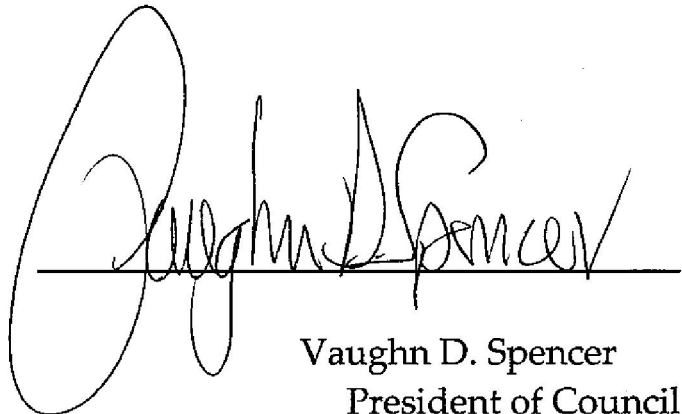


RESOLUTION NO. 155-2007

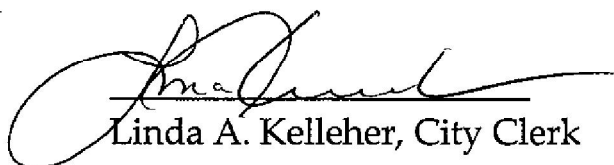
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

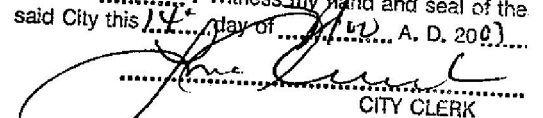
Denying the appeal on the Certificate of Appropriateness
and upholding the decision of the Historical Architectural
Review Board, as attached, for 428 Spring Street,
owner/applicant Francisca Mendez.

Adopted by Council Nov 13, 2007


Vaughn D. Spencer
President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
Resolution passed by the Council of the City of
Reading, on the 13th day of Nov
A. D. 2007. Witness my hand and seal of the
said City this 14th day of Nov, A. D. 2007.

CITY CLERK

Appeal of Historic Architectural Review Board Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
	§	
FRANCISCA MENDEZ,	§	CITY OF READING
	§	
RESPONDENT,	§	CITY COUNCIL
	§	
428 SPRING STREET	§	

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Monday, October 15, 2007 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of vinyl siding on 428 Spring Street, owned by Francisca Mendez (respondent) and located in the Centre Park Historic District. A quorum of the Council was present. By majority vote the Council determined there was credible evidence to uphold the decision of HARB and deny the appeal, on the terms proposed in this order.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is an under the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The respondent appeared at the September 18, 2007 HARB meeting and requested that the Board issue a Certificate of Appropriateness to install double 4" Dutchlap vinyl siding in the color "Cypress" and capping in aluminum of exterior wood surfaces on the front and rear facades. The respondent's request was denied by HARB, as the project does not comply with the standards set by the Secretary of Interior and the proper permits were not obtained from HARB and the City Codes Division.
3. The respondent requested an appeal hearing before City Council the week of September 28, 2007. The respondent was advised of the hearing date in a letter dated October 9, 2007.
4. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on Monday, October 15, 2007.

5. The respondent stated her belief that the installation of the vinyl siding would improve the insulation of the home and reduce future maintenance obligations.
6. The respondent stated her belief that obtaining a permit was the responsibility of the contractor, not the property owner.
7. The respondent also admitted to installing replacement windows in 1997 and enclosing the upper back porch in 2002 without permits.
8. The respondent made a claim that many other properties in this neighborhood have vinyl siding and distributed photographs to support that claim.
8. The Historic Preservation Specialist testified that she visited the project and interrupted the installation of the vinyl siding when responding to a complaint that the project was occurring without the appropriate permits. The damage to the brick façade was documented by the photographs taken on this day by the Historic Preservation Specialist and distributed for viewing purposes at the hearing.
9. The Historic Preservation Specialist stated that the Respondent's application for a Certificate of Appropriateness was denied at the HARB meeting on September 18, 2007 due to the fact that the use of vinyl siding does not meet the standards set by the Secretary of the Interior of the Commonwealth, the property owner failed to obtain the proper City building permits, and over 50% of the homes in the block and the majority of homes in this neighborhood are in original condition and do not have siding.

Conclusions of Law

The Respondent violated the City of Reading Codified Ordinances Chapter 4 Buildings, Section 4-107. Required Permits and Certificates and the Standards set by the Secretary for the Interior for the Commonwealth of PA for properties located within approved Historic Districts.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal to the Certificate of Appropriateness, upholding the decision of the Historical Architectural Review Board and orders the Respondent to restore the brick façade of 428 Spring Street to its original condition. City Council further hereby also orders the Respondent to remove the wood material installed to enclose the upper back porch.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.